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EXCISE

Take a first look

Please

March 2, 1977

TO: D/HA - Ms. Patricia Derian

Pat:

Attached is our first cut at an overall paper which we are today circulating to various bureaus, including D/HA (see cover note). You will note that on page 44 we recommend certain papers, in addition to those prepared by the regional bureaus (CU, AID, EB, IO, T and PM, and H). I understand that you and Abe discussed this yesterday and that you are in the process of requesting the papers. I suggest that you set a March 9 deadline and be willing to graciously accord a few more days should the expected screams develop. By the time we get all of these pieces of paper then we should be able to work with you very quickly to develop a good package for senior review in the Department.

Nicholas Veliotes

Attachment:

As stated

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REVIEWED BY R. Valas DATE 6/27/84
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Washington, D.C. 20520

March 2, 1977

TO : D/HA - Ms. Derian
PA - Mr. Carter
D - Mr. Lamb
P - Mr. Tice
E - Mr. Frank
T - Mr. Ledogar
H - Ms. Swift
L - Mr. Runyon
IO - Mr. Crawford
AF - Mr. Shurtleff
ARA - Mr. Lister
EA - Mr. Harris
EUR - Mr. Zimmerman
EA - Mr. Holly
EB - Mr. Thomas
AID - Mr. Silverstone
PM - Mr. Winship
INR - Mr. Packman
CU - Mr. Roth
SCA - Mr. DeWitt

FROM : S/P - Nicholas A. Veliotes

SUBJECT: Request for Comments on Draft Conceptual Paper on Human Rights

Attached is the first draft of a "conceptual" policy paper on US support for human rights. Regional bureau papers and other papers which may be requested by D/HA are intended to complement the S/P paper and to serve as guidelines for the implementation of the policy.

Please submit your comments and suggested revisions on this paper to S/P by c.o.b. March 7. The S/P action officer is Abraham Sirkin (Room 7330, extension 20670).

Attachment:

As stated

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A Human Rights Strategy for the United States

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Draft Study

A Human Rights Strategy for the United States

I. REASONS FOR A HUMAN RIGHTS POLICY

Two schools have dominated the public debate about morality in foreign policy. One has argued that if the United States did what was morally right -- denounced tyrants, cut off aid to oppressors, severed contact with gross violators of human rights -- the level of governmental behavior everywhere might improve, and even if it did not, at least the world would know "where we stand."

The other school has insisted that we have to accommodate to a world in which four fifths of the nations are under authoritarian rule, that how foreign rulers deal with their own people is none of our business and that we had better tend exclusively to our real "national interests" in foreign affairs and thus avoid the confrontations, inconsistencies, frustrations and indeed disasters to which a "moral" foreign policy is bound to lead.

Both of these positions are simplistic and each reflects a partial view of reality. Human rights issues can neither totally take over our foreign policy nor be altogether ignored in it. We have just concluded a lengthy period during which those who subscribed, more

or less, to the second school of thought have been in charge of the decision making machinery of US foreign policy. For this reason, it may be useful at the outset to review briefly the moral, legal and political justifications for seriously taking human rights into consideration in US foreign policy decisions.

A. Moral Obligations

-- If US foreign policy is effectively to serve the interests of the American people, it should reflect, in considerable measure, traditional American values. From the time of the Declaration of Independence and the Bill of Rights, US leaders have demonstrated the national concern for the liberation of subject peoples and for the protection of the rights of individuals in many parts of the world.

-- With liberal democracy generally and the cause of human rights in particular on the defensive in many places, the United States would be remiss if it failed to use some part of its substantial influence in the world to stem and, if possible, reverse the authoritarian tide.

B. Legal Commitments

-- As a signatory to the Charter of the United Nations and a sponsor and supporter of the Universal

Declaration of Human Rights, the United States is committed to a concern for the "observance of human rights and fundamental freedoms for all." Governments accused of human rights violations almost invariably insist that any foreign expression of such concern in their cases constitutes "interference" in their internal affairs and an infringement of their sovereignty. The degree of heat with which this claim is asserted is a political fact that has to be taken into consideration but in the unequivocal view of the Department's Legal Adviser, "there is now ample legal justification for diplomatic representations to a state concerning its treatment of its own nationals where such treatment violates minimum standards of international law."

-- Our obligations under the UN Charter to promote respect for human rights is now written into our own domestic legislation. Section 502B (1)(a) of the Foreign Assistance Act of 1961 as amended states that "a principal goal of the foreign policy of the United States is to promote the increased observance of internationally recognized human rights by all countries."

C. Political Advantages

-- America's historic role as the supporter of freedom around the world has been an undeniable asset to the United States in its international relations. It was this image which attracted millions of immigrants who helped build the American civilization and it is the confidence of other nations in our purposes as well as in our power that has served to cement our post-war alliances. A more vigorous policy in support of human rights would serve to restore this image which has suffered considerable erosion in recent years.

-- A human rights policy which would result in dissociating the United States from certain repressive regimes would make it possible for potential leadership elements in many countries to identify with American goals and concepts.

-- An improved US posture on human rights would give an advantage to Western democracies in the ideological contest with the Left -- in Western Europe, in the Bloc and in parts of the Third World -- by reducing political vulnerabilities on our side and putting the totalitarian apologists on the defensive. It might, under certain circumstances, contribute to some slight opening up of closed socieites.

-- Domestically in the United States, a stronger position on human rights consonant with traditional American values, would increase public and media support for US foreign policy.

-- A recognized willingness on the part of the Executive Branch to speak and act on behalf of human rights not only would be responsive to the expressed will of Congress and improve Executive-Congressional cooperation in an important area of foreign policy but, in time, would restore the initiative in this field to the Executive Branch.

II. IMPLEMENTATION GOALS AND GUIDELINES

To develop a strategy for the implementation of a more vigorous human rights policy for the United States, it is necessary first to define the goals of the effort fairly closely and to establish general action guidelines that can bring this diffuse subject down to manageable proportions.

A. Goals

-- The most logical way to define the particular scope of a revitalized human rights effort is to begin with the basic document which the United States helped

to fashion -- the Universal Declaration of Human Rights, approved by the UN General Assembly in December 1948. Of the 30 articles in the Declaration, 21 deal with political and civil rights and most of the remaining nine are concerned with social and economic rights.

These two sets of rights in recent years have become subjects of international ideological and political controversy. Some have argued that in developing countries the economic rights to jobs, education and an adequate standard of living should have priority over, and indeed may be attainable only by denying, political and civil rights. The United States has never accepted this position. It considers all the rights in the Declaration as equally valid. However in its foreign policies the United States seeks to carry out its obligation to promote economic and social rights, not principally in the framework of "human rights policy", but rather through its international economic activities including large-scale economic assistance programs, conducted both bilaterally and via multilateral institutions.

Issues of economic rights in many instances do have a bearing on political rights, especially in countries at both ends of the ideological spectrum where governments

employ repressive measures to crush the claims and protests of those who see their social and economic rights denied. What outside forces can do to stimulate greater economic equity within sovereign states is an increasingly nagging international question. The extent to which the US Government's own international policies -- in trade, aid, finance and technology transfer -- promote the social and economic rights of individuals needs to be carefully considered. But these are matters that are attended to -- and need to be thoroughly reexamined -- in the context of economic policy.

Promotion of political and civil rights, on the other hand, have been considered to be a facet of general US foreign policy -- albeit a marginal and virtually ignored one. Consequently, the goals for the human rights strategy here under consideration are confined to the political and civil rights described in the Declaration. (Another strategy paper, updating the Department's approach to meeting social and economic rights around the world, may be in order.)

-- The long-range goal of this strategy should be gradually to raise the standards of national observance of human rights around the world. In view of the large number of countries now under authoritarian rule and the widespread violation of human rights affecting most of the

world's population, any attempt to attack these problems everywhere at once is doomed to failure. Some progress toward the long-range goal, however, can be expected but only if persistence, skill, systematic planning and the right combination of firmness and tact are applied to selected targets by the governments of the United States and the relatively few but influential nations that share the same values.

-- The short-range goals should be to eliminate, or at least reduce, the most egregious violations and to improve observance of human rights in countries that may be considered the most serious problem cases. The US posture should be one of general concern for all human rights violations but one of special concern for those that the Congress has already sensibly and helpfully singled out as "gross violations". These relate to what Article 3 of the Declaration calls "the life, liberty and security of the person" and which are exemplified by official torture, prolonged imprisonment without fair trial, and governmentally authorized murder. In various circumstances it will still be desirable for the United States to react to violations of other rights, such as freedom of the press

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or freedom of religion, but the bulk of concentrated effort, if it is to be effective in raising standards from the current lowest depths, needs to be focused on the grosser violations.

There is substantial evidence already that the new US position favoring human rights and recent actions in relation to some specific countries has contributed to an international climate that has had beneficial effects in a number of nations.

B. Action Guidelines

-- An overall posture of concern for the protection of human rights everywhere needs to be established by the US Government in ways which make credible the assurance that the human rights factor is taken into account seriously in our decision making process. This is necessary to provide foreign governments with a context in which our subsequent actions in respect to human rights will appear plausible and to assure the US public and the US Congress of the Administration's good faith in its professions on this score. A beginning has already been made toward this end by the new Administration.

-- Within this framework, the complexities of the issues involved require that the human rights situations in specific countries be handled case-by-case. A universal single standard of behavior is the desired ultimate goal, but a uniform automatic response to particular violations is impossible. Such an approach inevitably raises questions of consistency, which are dealt

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with later in this paper. But it would be a totally fruitless exercise at this stage for the United States to search for, and unilaterally try to apply, a pre-fabricated system of standard responses to human rights violations.

-- In all its activities designed to promote human rights, the United States should avoid any implications or tone of moral arrogance and should make clear that it is not striving to impose the US political system on other countries. Wherever possible and appropriate, therefore, it should try to achieve its human rights objectives through multilateral bodies or by enlisting the cooperation of other countries in international or regional efforts.

-- Because of the multiplicity of factors, political sensitivities and potential consequences involved, an effective human rights strategy requires that official responses to human rights violations be carefully coordinated. Especially essential is a common and coordinated approach by all elements of the Executive Branch that have an impact on our foreign relations.

III. FACTORS TO BE CONSIDERED IN EACH CASE

In dealing with human rights situations abroad, a variety of factors has to be considered in determining which situations warrant a response and what that response ought to be. Some of these factors relate to the human rights situation itself, others are of a more general character, and still others are regional in nature.

A. Factors Relating to the Human Right Situation Itself

-- Nature and extent of violations. A "consistent patter of gross violations", to use the phrase incorporated and broadly explained in Congressional legislation, is of more serious concern than less egregious violations. Obviously, even within this category, the more heinous and widespread the violations in a country are, the more concern they are likely to arouse in the United States, all other circumstances being equal. However, other circumstances are rarely equal, as the remainder of this listing will demonstrate. Furthermore, the US interest is not confined to the gross violations enumerated by the Congress. In numerous cases, it will be desirable for the United States to respond in some way to significant violations of rights other than those of the integrity of the person, as when parliamentary government is suspended in a country.

-- Direction of Movement. Changes from authoritarian regimes to democratic ones or vice versa are obviously worth noting. Similarly when a dictatorship turns the screws tighter or on the other hand significantly relaxes controls or desists from offensive practices, the direction of change becomes a factor of importance.

-- Degree of governmental control and responsibility. Situations arise in which it is not clear whether the formal governing authority is in full control of the elements committing the violations. This does not legally absolve the regime from responsibility but it is a fact that has to be kept in mind when the most effective response is being considered.

-- Validity of security justifications. Governments committing violations often justify them on the grounds that repressive measures are essential to protect their nations against external or internal threats to the national security. Such threats are in themselves no valid justification for gross violations. As extenuating circumstances for emergency measures which violate particular rights other than those of integrity of the person, the reality of the threat needs to be examined as does the legitimacy of the claim that the repression is directed exclusively at the sources of national danger. These claims are often undermined when regimes suppress the rights of all regime opponents, including those that are moderate and peaceful.

-- Willingness to stand outside investigation. Whether or not a government charged with serious violations permits outside bodies to come in and investigate conditions without hindrance on the spot is also a factor worthy of some consideration.

-- Level of political development. The expectations of a local population which has grown accustomed to democratic institutions nad has lost them differ markedly from public expectations in countries with little or no experience with representative government or free institutions. This factor may be taken into account in relation to breaches of civil rights other than gross violations. Nor should the willingness of some elements in a country to take risks on behalf of their liberties be ignored.

B. Other Factors Affecting a Potential US Response

In determining what the US official response should be to a serious human rights situation, the following factors need to be considered:

1. Other US interests. The protection of human rights is but one of the interests the United States has in its dealings with a particular government. In deciding the proper US response to a

human rights problem, other US interests obviously have to be taken into account -- preservation of peace, issues of nuclear proliferation, significant economic objectives, among others. It may be possible and desirable from the US point of view in some instances to develop a two-track approach -- for instance, to continue to supply military equipment to a nation in whose security against aggression the United States has a stake and at the same time publicly to dissaociate the US government from the repressive behavior of that regime. As a rule, however, offending governments are not likely to oblige us in keeping the tracks separate and will insist that our relationship in one sphere is bound to color our dealings in other matters. The way we respond to human rights violations in a country therefore will inevitably be affected by the range and significance of our other national interests in that country.

2. US Association with Regime. A highly sensitive factor is the nature of the US relationship to the regime in question. With various degrees of intensity, we have over the years spoken out against the repressions of the communist regimes and we constantly indicate our "differences" with their political systems. Since the end of World War II, however, the US Government has become increasingly vulnerable to foreign and domestic criticism for its close association with authoritarian regimes which it is accused of supporting, embracing and "propping up". To a

considerable degree, the United States is held to share responsibility for the repressive acts of such regimes. In the view of some, the United States has even more need to dissociate publicly from the serious violations of allied and "friendly" governments than from those of neutral or adversary states for whose actions we are not generally held responsible.

3. Degree of US influence. A related factor is the extent and nature of US influence with a foreign government. Obviously we are assumed to have more "clout" with a government whom we are seen to be supporting than with one that is less beholden to us. The question then, however, is whether the presumed general influence the United States may possess can be brought to bear on the regime's human rights behavior. Ruling powers that may be willing to accept US persuasion in other fields may balk at yielding to outside pressure in areas where, rightly or wrongly, they may feel their retention of power is at issue.

4. Attitude of internal opponents. A US response to a human rights problem in a country should not be given without reference to the views of the domestic opposition to a regime, of potential leaders of an alternate government, and of the various organized elements that have been struggling to preserve individual rights. Awareness of these views can be of help in deciding on such matters as the provision or reduction of security assistance or the planning of high level official visits in either direction.

5. US Congressional and public interest. The extent to which a human rights situation has received attention in the world press, American media, the US Congress or public interest groups in the United States may not bear any significant relation to the heinousness of the repressive actions noted. For various reasons, more serious crimes committed by governments that are of little interest to the outside world will achieve less notoriety than lesser offenses in nations with higher visibility. Nevertheless, the degree of public interest is a proper factor to take into account, if for no other reason than that, in a democratic society, foreign policy ought to reflect public concerns. The heightened public and Congressional interest in certain countries often has a reasonable basis. The long American association with the Philippines, for example, explains the greater American interest in what happens to human rights there than in the more serious problems that may exist in Paraguay or Benin.

6. Roles of other states and organizations. Human rights violations are of concern to other governments and to various public and private international bodies. How the United States responds to particular situat-

should relate, in some measure, to the attitudes and actions of these other parties. Our decision regarding some contemplated US response might depend on the degree of known or potential international support it could muster.

7. Consequences for human rights objectives. Of vital importance in deciding the most effective response is a realistic estimate of what a particular US move will do toward achieving the specific human rights objective pursued. When an action is being considered to improve a human rights situation, it would be a mistake to go through with it if the likely consequence is to be the opposite of the results intended. We should guard against the impulse to speak out merely to satisfy a craving to demonstrate superior national virtue, regardless of practical consequences. The alternative risks of action and inaction or of one mode of response versus another need to be carefully calculated in advance.

C. Regional Factors

Even though it is not possible ultimately to avoid a country-by-country analysis and strategy, certain factors relating to development of a coherent human rights policy are common to all the countries of

two geographic regions and to blocs of countries in the other regions. These factors need to be fully described in the detailed human rights strategies that ought to be developed for each region, but they are briefly summarized here.

1. Latin America.

[redacted] some governments are serious violators. This is the case even though, in comparison to many countries in other regions, most Latin American countries are relatively open societies with a large measure of freedom of the press.

Whatever we do in this Hemisphere to lean on individual countries to improve their human rights behavior has to take into account the traditional Latin American sensitivity to US paternalism and "interventionism." Much will therefore depend on our tone.

The numerous authoritarian regimes in Central and South America and the Caribbean have two additional sensitivities. They will be watching to see if we castigate governments of the left, especially Cuba, as sharply as we criticize regimes of the right. And they

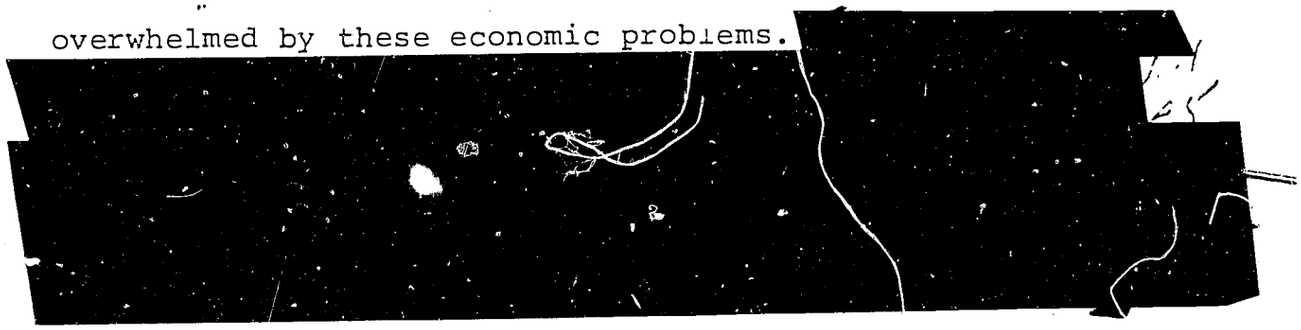
will be able to stimulate some feeling against the United States if we seem to be concentrating our punitive action on Latin American governments more than on those in other parts of the world.

As we focus on individual countries, we must be prepared for deterioration of some bilateral relations with their regimes, though we stand to gain in some sectors of Latin American public opinion.

2. Africa. Human rights considerations in most African countries tend to revolve around racial issues and problems of economic development. The black African states focus much of their attention on the violation of black rights in the countries of white minority rule in Southern Africa. This is seen as the central issue in Africa, and the United States is judged largely on its performance in pressing for the end of racial discrimination on the continent. As long as this issue remains unresolved, it is difficult for outside forces, including the United States, to gain support in Africa for action on human rights problems within black states.

African leaders are preoccupied with problems of economic development and generally give primacy to the

need for satisfying social and economic rights. Because of limitations on resources, these leaders tend to be overwhelmed by these economic problems.



Stemming from their years of colonial rule and their contacts with the West generally, African states will be sensitive to any statement or action in support of human rights if it seems to have colonial, neo-colonial or patronizing overtones.

3. Europe. The Communist regimes of the Soviet Union and Eastern Europe are among the most repressive in the world even though in recent years they have been less prone to engage in the grosser violations of physical torture and government directed killings.

With the Soviet Union, US activism on human rights is limited by two factors: (1) our limited ability to help people in a country which has, after all, been a dictatorship for over four centuries and (2) the overriding importance of the need to curb the arms race. Strict linkage is likely to be counter-productive, not helping those in need, (e.g., the Jackson-Vanik amendment) and impairing our arms control

repression and to estimate carefully the likely impact on our other major interests.

In Western Europe, human rights problems are either relatively minor or apparently on their way to solution. Western European states have their own effective, regional mechanisms for dealing with human rights problems within their countries and work with the United States and Canada to bargain for humanitarian improvements in the Soviet Bloc in the framework of the continuing proceedings of the Conference on Security and Cooperation in Europe (CSCE).

As the US Government intensifies its human rights activities around the world it should be able to count on the cooperation of the Western European democracies in common undertakings, both within and outside the United Nations.

-- East Asia

(still to come)

-- Near East and South Asia

(still to come)

IV. CHOICE OF AVAILABLE RESPONSES

A. Specific Objectives

Before any decision is made about the more desirable responses to a human rights situation, the specific objectives of the move have to be clearly identified. Purposes may include:

-- to assist or protect individual victims of violations

-- to improve the human rights performance of a government or encourage a government to return to democratic procedures

-- to maintain and strengthen relations with opposition elements and potential future leaders in a country

-- to contribute to an international climate supportive of human rights and thereby have a favorable impact on the human rights performance of other countries

-- to dissociate the United States from repressive practices or a repressive regime and thereby enhance its image as a supporter of freedom, and disentangle itself from/ potential political disasters

Some actions may serve all these purposes but many of the available responses may serve one or two of these objectives but not the others. Clarity about the ends in

view for each US action in this sphere is essential before beginning the process of selecting the means.

B. Options for Action

In its efforts to promote human rights, the United States has a wide range of options for action. They include measures that are either quiet or publicized, symbolic or substantive, multilateral or bilateral, governmental or private, and positive or reactive.

In a well coordinated strategy, the choice of short-term or long-term measures should be determined by the objectives sought and the factors involved in each case. Rigid formulas cannot be applied but certain useful generalizations are possible for some of these categories of choices:

-- Quiet or publicized measures. To help individual victims of oppression, quiet diplomatic approaches have proved successful in numerous instances in many countries. In certain instances, however, it may be desirable, for example, to enlist world opinion to stay the hand of a regime against a noted person, but it is by no means a tactic assured of success.

To affect human rights situations generally, quiet diplomacy should normally be employed before public statements

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are made or substantive actions taken. Quiet diplomacy has the double virtue of allowing a government to respond to intercessions without seeming to yield to outside pressure and, on the other hand, of permitting the continuing threat of a future public confrontation to hang over the head of a recalcitrant regime.

Within the bounds of quiet diplomacy itself, a wide range of options exists: the levels at which inquiries or approaches are made, the degree of vigor with which they are pursued, and the locus of the approach whether Washington, in in the foreign capital, or both. After the recent period in which the phrase "quiet diplomacy" was used as a convenient cover for minimal action or no action at all, there is now broad scope for development of an entire panoply of devices, under the quiet diplomacy heading, which may be seriously employed and which should soon restore the repute of this neglected means of promoting human rights.

Quiet diplomacy, however, is of little value in achieving certain human rights objectives such as dissociating the United States from oppressive governments. For many purposes public statements will be needed.

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To begin with, they are essential to establish a credible US position of high-level and intense concern over the protection of human rights generally. This is already being accomplished.

Public comment will also be appropriate to deal with specific situations but these should be carefully timed and calibrated to achieve specific ends in the light of the relevant factors. Here too there is a wide range of options from which decision makers must choose. US views can be leaked unofficially or stated openly; issued by lower-level spokesmen or escalated, on rare occasions, all the way to the President; given a low-profile in the foreign capital or trumpeted to the world press in Washington.

-- Symbolic or substantive measures. Symbolic acts are of prime importance in dealing with human rights questions. Human rights issues need to be taken into consideration, for instance, in decisions regarding official visits -- whether they should take place at all, how they are handled, what gifts are presented, how toasts are worded. Preferment ought to be shown and recognition given to leaders of democracies, whenever possible.

In countries where gross violations exist, official U.S. representatives should avoid occasions where regime leaders may exploit the U.S. presence to imply a U.S. embrace of their regime. An entirely new syllabus of diplomatic style is in order to guide our manner of dealing with regimes with which we must conduct business but for whose human rights behavior we wish to indicate or express an official attitude of disapproval. A vital part of such a syllabus would be the various means for prudently maintaining contact with opposition elements in a dictatorship.

Substantive steps that may be taken to bring pressure on regimes that persist in gross violations are largely those that the Congress has already identified in its legislation [f] - cuts or threats of cuts in economic aid or in security assistance, including arms sales. In recent years Congress had no means to enforce its will on the Executive Branch other than to mandate measures related to its power of the purse. It recognized that these were crude instruments when it included exceptions for benefits to "poor people" in dealing with economic aid reductions, and acknowledged the need to consider possible overriding national security reasons in respect to cuts in military aid.

Clearly, the Executive Branch must carry out its legal obligations fully under the current legislation in the most effective way possible even though it will be handicapped by the fuzziness of the criteria set forth. When its good faith on human rights issues is well established, however, the Administration needs to develop its own view of the usefulness of the mandatory legislation and to explore with the Congress the most appropriate legislative language that would best serve the common interest of the two branches in advancing human rights.

A stronger argument exists for using military aid as a lever on human rights than for manipulating economic aid for this purpose. Apart from the problem pf punishing oppressed people for the sins of their oppressors, tinkering with economic aid raises complex and confusing issues of Third World and North-South economic relations.

In the case of military aid a distinction is necessary between the relatively few cases that are genuinely tied to our own national security and the larger number that are not. In the former cases the two-track system of separate responses to human rights

and national security concerns may need to be invoked. In the other situations, US military aid and arms sales have political or economic objectives that may or may not be of major significance but they have the inevitable consequence of tying the United States publicly to various authoritarian regimes. Security assistance is therefore a reasonable arena for a human rights response, assuming the action selected is deemed likely to achieve the desired results.

-- Multilateral or bilateral approaches. Dealing with human rights problems through multilateral channels has certain clear advantages over purely bilateral approaches. The element of the United States operating alone as the world's self-appointed moral policeman may thus be reduced or eliminated. The force of international opinion, to the extent that it is attended to, can serve as added pressure on an offending regime. Some of the onus which the United States may bear for direct bilateral confrontations may be lessened. However, the United States cannot entirely escape the bilateral fall-out from its own statements and votes on individual cases merely because they are staged in international forums.

Nevertheless, whenever possible, the United States should make use of the existing multilateral bodies of the United Nations and the OAS to advance human rights causes both in refining general principles and procedures, as in an initiative on torture, and in dealing with individual country situations. The practical limitations are that the two main institutions are to a large extent captives of their respective majorities --

[redacted]

A politically balanced approach is hard to elicit from either one.

Apart from these organized bodies, of which it is a member, the United States ought to begin seeking more support among the liberal democracies in Europe and elsewhere and from other regional bodies, such as the Council of Europe and the Organization for African Unity, to combine forces in dealing with individual problem cases. Multilateral and bilateral approaches are by no means mutually exclusive; both can be pursued simultaneoulsly whenever appropriate.

-- Private activities. Private organizations, both national and international, play an important role in the defense of human rights. They seek out the facts, bring aid to victims, and alert governments, international bodies and the media to problems requiring attention. The US Government should give moral and material support to the work of those organizations that have demonstrated balance and responsibility. In some situations, the activities of non-government groups can be more effective than official measures, and the US Government may wish, in such cases, to leave the greater part of the action in the private sector.

-- Positive programs. US Government actions in response to gross violations are not the only means available to the Government for promoting respect for human rights. Positive programs can be designed to develop attitudes, institutions, and procedures that would provide a political and cultural climate favoring the protection of human rights in countries that lack a deeply rooted democratic tradition. Both AID and CU have already started work on such programs that seek to accomplish this long-range purpose through educational and exchange projects.

V. PROBLEMS AND RISKS IN HUMAN RIGHTS POLICIES

Because of the sensitivity of the issues involved, whatever the US Government does or does not do in respect to the behavior of authoritarian regimes toward their own people will pose problems and present risks. Before outlining a human rights strategy for the United States, it would be well to face them squarely.

A. Risks in Offending Individual Governments

-- Any statement made or action taken that is intended to express US concern over violation of human rights in a country and that is considered offensive or threatening by the foreign government concerned can have a negative impact on other US interests in the country. Even if we seek to dissociate the human rights concern from other aspects of our bilateral relationship, the other government involved may not be disposed to do so.

-- Depending on the play of internal political forces in the country concerned, a ruling group may be able to seize upon the outside pressure on behalf of human rights as a means of gaining popular support for its "independence" and arousing nationalistic resistance to foreign inter-

ference. The fact that the outside pressure is intended to protect the liberties of the people does not seem to matter to the many who are given only a distorted view of the issues involved.

-- Some rulers may feel compelled to demonstrate to their fellow officers, to their populations, to the "interfering" power, or to the world at large that they are utterly independent by cracking down harder on their opponents in reacting to "outside" pressure in human rights.

These possibilities all have to be kept in mind in making decisions on the most effective way to respond to violations.

B. Risks of Weakening Human Rights Efforts Generally

-- If expectations are raised that some US action is likely to lead to rapid improvement in the repressive behavior of a government and the anticipated change does not occur, it may contribute to a loss of faith in the value of such efforts. In the short run at least, favorable results in this relatively intractable sphere are likely to be meager; any expressions likely to raise unrealizable expectations ought to be avoided.

-- If one or two major fiascos occur in the early days of a significant new human rights effort, it might have a serious inhibiting effect on the future of a human rights program. An example might be the replacement of a repressive government after strong US pressure by a regime even more repressive. A backlash could then develop in the United States against further actions that would be seen as not only troublesome generally but also likely to make matters worse.

-- If employed too frequently, US public statements castigating regimes for their repressive acts can lose their impact. A constant stream of US public criticism of many foreign countries may cause the United States ultimately to be ignored as a tiresome and ineffective international scold. In the struggle to protect human rights, official rhetoric is an extremely important weapon. It must be used with skill and discrimination if it is to retain its potency.

-- Conversely, a vigorous human rights campaign directed at many major violators at once could cause authoritarian regimes in a region or around the world to gang up openly in avowed resistence to what they might

label as an assault on their sovereignty. Signs of such a potential development have already surfaced at the UN where the Soviet Union and Iran are together in opposing US supported moves to strengthen the investigating machinery of the UN Commission on Human Rights. Since the primary motive for repression is the determination of an individual ruler or a ruling group to stay in power, this common motivation of authoritarians of the Right and Left may be a unifying bond stronger than the divisive force of differing ideologies. If such a gang-up materialized, it could set back the prospects for improvement in human rights conditions in many countries for years.

Some if not all of these pitfalls are avoidable if a US strategy to promote human rights is carefully planned, centrally coordinated and skillfully executed.

C. Risks of Inaction

Action on behalf of human rights has its risks and perhaps costs. But total US inaction in the face of severe repression abroad has its own risks and costs. Briefly they are these:

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-- The valuable US image as the traditional supporter of freedom would continue to erode and ultimately vanish.

-- The US position in the ideological contest with totalitarian adversaries of the Left would be weakened by our continued silent acquiescence in the gross violations by authoritarian regimes of the Right that we are seen to "support".

-- US failure to react to serious violations by "friendly" authoritarian governments can be perceived by them as approval of their behavior and their regimes.

-- When authoritarian regimes with which the United States is identified and from which it has failed to dissociate are swept away, the new leaders are not likely to be favorably disposed to our interests.

-- If we fail to use our large influence in the world to try to block the thrust of authoritarianism, we may face the prospect of a growing preponderance of nations that do not share our values and of the consequent danger to our own values at home.

-- If US foreign policy does not reflect American values more closely, it will continue to lose the support of the American people.

D. The Problem of Consistency

A case by case approach inevitably raises the issue of consistency. Questions will constantly be asked as to the reasons for hitting hard at one government for

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actions which may seem to pass virtually unnoticed when done by another government.

To command support from the public and the Congress a human rights strategy needs to show a reasonable degree of even-handedness in responding to violations of strong nations and to those of small, weak nations. It needs to strike a balance between criticism of repression in communist dictatorships and censure of the behavior of strong-arm regimes of the Right. It must avoid one-sided reactions to human rights situations in lands that are traditional rivals if their behavior is relatively comparable.

But an absolute consistency is not feasible. It would be particularly difficult to demonstrate even-handedness if quiet diplomacy is used in some cases and publicized measures are adopted in others of an apparently similar nature. The impossibility of attaining absolute consistency in responding to gross violations has been used by some as an argument for taking no action on human rights at all. One rationale for an activist human rights policy is that in dealing with individual countries, it is important to do or say whatever can promote human rights in each case, even at the price of some inconsistency. The entire effort requires not consistency but coherence and coordination.

VI. RECOMMENDED SUBSTANTIVE MEASURES

A. Putting Our Own House in Order

The US Government can and should take a number of important steps on its own to advance the cause of human rights without waiting for the cooperation of other governments. It should:

-- Take early action on relevant UN instruments: Push for Senate ratification of the Genocide Convention, approved long ago by the Senate Foreign Relations Committee. Sign and push for ratification, with the necessary reservations, of the two UN human rights covenants (Political-Civil and Social-Economic). Sign and ratify the Convention on Racial Discrimination.

-- Introduce legislation and take the necessary administrative action to expand our refugee and asylum policies to permit entry to the United States of more victims of repressive regimes.

-- Alter US visa policies, both by new legislation and more flexible administration, to eliminate political tests for visitors which reduce US influence among foreign intellectuals and present us with a needless vulnerability in the CSCE context.

-- Greatly strengthen our representations on behalf of American citizens adversely affected by repressive measures in foreign countries. In numerous cases, the US Government has appeared less emphatic than other foreign governments in standing up for the rights of their citizens caught in the coercive machinery of authoritarian states. In making forceful, persistent approaches on behalf of US citizens imprisoned for actions which are not illegal in free societies and, on behalf of harassed or expelled American correspondents, our embassy or consular officers can make clear that we object as much to the illegality in international law of the practices as we do to the fact that they have been applied to US citizens.

B. Intensive Treatment of Most Serious Problem Cases

The Department should concentrate a good part of its human rights activity on dealing with the most serious problem cases in various parts of the world. In most geographic regions one or two cases at a time would be about right. They may be either the worst offenders by objective standards or else the countries on which the

sharpest US public and Congressional attention is focused at the moment. (In Europe, for obvious political reasons, the entire Soviet Bloc probably needs to be considered as one action area, even if specific measures are directed at individual countries within the area.)

Such an effort typically might have two phases. The first phase would involve intensive unpublicized discussions with the "target" regimes to press for improvements in their practices. The conversations should clarify the minimum steps that are sought from the regimes if they are to get off the hook. Generally, these steps would involve the elimination of gross violations of the person and not the holding of elections and the establishment of democratic institutions. This might serve to reduce the paranoia and sense of siege which dominate some of the governments and apparently motivate their extreme measures.

Wherever possible, we should seek the cooperation of other governments in this effort, including the milder authoritarian regimes in the Third World, in a common attempt to raise international standards from the current "bottom" of official murder and torture.

If such tactics fail over a reasonable period of months, we would shift to the second phase. Contrary to recent Departmental policy, which resisted "singling out" any nation for public criticism, this phase would include, on a graduated basis, public statements, symbolic acts which get public attention, reduction of US assistance if appropriate, negative votes in multilateral forums, all designed either to bring added pressure on, or to dissociate the United States from, a repressive regime.

C. Revitalized Diplomatic Approaches

We should begin making much greater use of unpublicized diplomatic approaches to many governments, apart from the most serious problem cases, regarding their human rights situations. It may be useful in some countries from time to time to establish limited goals for the elimination of one or two repressive practices and to use a variety of Embassy contacts and occasions to press the point. The Department could aid this process by developing a suggested guide for tactics

and procedures to make such efforts as productive as possible.

D. Alterations of Diplomatic Style

In countries ruled by authoritarian governments with which the United States is identified because of its alliance or aid relationships, our official representatives should employ a diplomatic style that reduces the symbols of a US embrace of such regimes. In this respect we need to be more careful than we have been in the past about official visits to and from such countries. Our representatives should avoid occasions which regime leaders can exploit to imply official US support.

The normal tendency of US diplomats to ingratiate themselves with the rulers of the day in order to "advance US interests" now needs to be curbed in many cases. Since one of our major interests is to promote respect for human

rights, it will be necessary to adopt a diplomatic posture which communicates various degrees of disapproval of coercive measures and indicates to politically aware observers on the scene in unspoken ways appropriate degrees of detachment from repressive regimes. Wherever feasible, open contact should be maintained with opposition elements, regime opponents should be included in social invitations and in lists of proposed exchange visitors to the United States, and, wherever feasible, Embassy representatives should be seen at trials or funerals of regime opponents.

E. Positive Programs

The Department should be on the alert to applaud and encourage favorable human rights trends in countries that show signs of moving in the proper direction. Our Embassies should be authorized to let foreign governments know when we are gratified over favorable developments. We should find ways to show special warmth to the few governments in the Third World that are able to maintain democratic systems. We should try to identify and use carrots as well as sticks to encourage improvements in governmental behavior.

The long-range technical assistance and cultural exchange programs which AID and CU have initiated to advance rights should be strengthened and expanded. Their purpose is to help foster the growth of political and economic institutions and practices that are conducive to the protection of individual rights. The pay-off of these programs may not be immediately visible but if they are substantial enough to make an impact on the educational, political, legal, economic and administrative systems of the developing countries, they may help create a foundation for an institutional structure that will protect the rights of the individual as a matter of course.

F. A Strengthened Multilateral Role

A more vigorous US policy on human rights should be reflected in multilateral bodies as well. We should join in new initiatives that establish goals, standards and more effective procedures for investigations and joint action. We need to work with skill, tact and persistence, together with like-minded nations, to bring the UN bodies around to a more even-handed and less tilted approach to human rights issues. We should seek to coordinate efforts with the Council of Europe's Human

Rights Commission to achieve common objectives. We should consult more with friends and allies about the best ways to achieve favorable results in specific situations and support moves by others where a US lead may not be desirable. A special agenda needs to be evolved for appropriate US actions in multilateral bodies dealing with human rights.

G. Cooperation with the Private Sector

Non-governmental organizations that are active in the human rights field and that have shown a high degree of objectivity, reliability and balance should be consulted and supported. We need to take a new look at our handling of inquiries from private groups and individuals about persons who are being held without fair trial or who have disappeared in authoritarian countries.

VII. RECOMMENDED PROCEDURAL STEPS

A. Comprehensive, Coordinated Strategy

A comprehensive strategy of the type suggested in this paper needs to be carefully worked out for coordinated use of all the foreign policy instruments available to the US Government in support of a vigorous

human rights effort. Consonant with the overall strategy adopted, various elements of the Department have their parts to play.

-- Each Regional Bureau should develop a special implementing strategy for the region as a whole, for the countries deserving concentrated attention, and for other countries where some effort is called for.

-- IO should prepare an agenda for action at the UN and the Inter-American Human Rights Commission.

-- EB and AID should be called on to propose a Departmental policy on the role of economic aid in human rights.

-- CU and AID should revise and strengthen their program proposals for educational exchange and technical assistance designed to give a long-range positive thrust to our human rights efforts.

-- T and PM need to develop guidelines for incorporating the human rights factor in security assistance decisions.

-- H should outline steps needed to strengthen the Department's relations with Congress on human rights issues.

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B. Central Direction

An ad hoc Human Rights Coordinating Group, chaired by the Deputy Secretary and administered by D/HA, has been established to maintain central control of major decisions. This mechanism is intended to give the Department's human rights effort coherence and balance. Such centralized control will help avoid the danger of leaning too heavily in public at any one time on one geographic region or on one ideological side. It may keep an eye on what is to be said by official spokesmen here and by US representatives in multilateral forums. It will be able to consider the likely impact of human rights activities in one area on our interests in another. The Coordinating Group includes all elements of the Department that have an interest in human rights. A smaller steering group may be needed for urgent decisions.

C. Interdepartmental Coordination

All US agencies operating overseas ought to follow a common and coordinated line on human rights. The position on such issues expressed by diplomatic missions should not be undermined by contrary indications from representatives of other US elements --

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involved, to keep expectations within bounds and perhaps to allay fears that we are embarked on a crusade to drastically alter the structure of 100-odd governments around the world.

Since many aspects of the effort are new and since the words we use in describing or explaining our policies and actions are an important part of the entire process, it would be useful to prepare a set of guidelines for official spokesmen to help them in expressing US positions accurately.

F. Departmental Information and Training

The success of the human rights effort will depend to some extent on whether the US Government is capable of carrying out a nuanced policy in this field. This will in turn depend on the understanding and skill of the people who have to execute the policy both in Washington and in the field. An internal Departmental information and training program should be organized to clarify the role of the overseas missions in human rights efforts, to train junior and mid-career officers to appreciate the complexities of the issues and tactics,

New procedures are required to assure effective coordination of all US elements on behalf of human rights.

D. Greater Rapport with Congress

The Executive Branch has to establish its credibility on these issues with the members of Congress who are activists on human rights. It can do so by honestly implementing the human rights legislation now on the books and by more intensive consultation with Congressmen and their staffs by the President, the Secretary and the various officers of the Department who have parts of the action on human rights.

Once the Congress is persuaded of the good faith of the Administration on these matters, it may be willing to reexamine the current legislation with the Department. By then the Executive Branch may be prepared to regain the initiative in this field and to seek more flexibility

and to alter the conventional concept of many foreign service officers that it is always to our interest to be on the best of terms with whatever regime is in power at the moment wherever they are assigned. The human rights component in FSI courses will have to be expanded and new seminars and short courses on human rights initiated to reach a substantial number of officers in a reasonably short time.

G. Further Studies

Many aspects of human rights policies are still not fully understood, even by the policy makers who will have to be making many more decisions in this area as the new program develops. Studies are needed to determine the usefulness of various diplomatic tactics, symbolic gestures, and substantive actions relating to economic aid and arms sales; to analyze the role of the non-governmental agencies; to explore ways in which we can strengthen the multilateral bodies dealing with human rights; and to identify new means, positive as well as negative, to achieve our human rights objectives.

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